

# 22



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Nikolaus THERES

Serial No.: 09/403,262

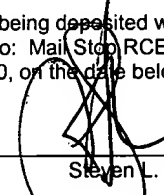
Filed: October 15, 1999

For: PLANTS WITH CONTROLLED SIDE-  
SHOOT FORMATION AND/OR  
CONTROLLED ABSCISSION ZONE  
FORMATION

Group Art Unit: 1638

Examiner: Ashwin MEHTA

Atty. Dkt. No.: DEBE:016US/SLH

CERTIFICATE OF MAILING 37 C.F.R. § 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE; Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>May 12, 2003</u> Date	 Steven L. Highlander

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. § 1.137(b)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
MAY 19 2003  
OFFICE OF PETITIONS

Sir:

Applicant respectfully files this Petition to Revive of Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b). The above-referenced application was unintentionally abandoned.

05/19/2003 MAHME1 00000129 09403262

01 FC:2453

650.00 DP

Attached hereto as Exhibit A is a copy of the Request for Continued Examination (RCE) Transmittal and check which have been mailed concurrently herewith to Mail Stop RCE under separate cover. Enclosed herewith is the petition fee of \$650.00 as set forth in 37 C.F.R. § 1.17(m).

The entire delay in filing the required documents was unintentional.

In view of the above, Applicant respectfully submits that the requirements of 37 C.F.R. § 1.137(b) have been met and request that this petition be granted.

While it is believed that no additional fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this petition, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/DEBE:016US/SLH.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicant

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512.418.3184

Date: May 12, 2003